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10 HIRERIGHT, INC.

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA  
13

14 BLANCA WATKINS, individually, on  
behalf of other similarly situated  
15 individuals, and on behalf of the  
general public,

16 Plaintiff,

17 v.

18 HIRERIGHT, INC.,

19 Defendant.  
20

Case No. '13CV1432 MMABLM

**NOTICE OF REMOVAL OF CIVIL  
ACTION BY DEFENDANT  
HIRERIGHT, INC.**

**[28 U.S.C. §§ 1331, 1441(a) & 1446]**

1           **TO THE CLERK OF THE ABOVE-ENTITLED COURT, PLAINTIFF**  
 2           **BLANCA WATKINS AND HER ATTORNEYS OF RECORD:**

3           PLEASE TAKE NOTICE that Defendant HireRight, Inc. ("Defendant" or  
 4           "HireRight") hereby removes the above-entitled action, Case No. 37-2013-00050017-  
 5           CU-OE-CTL, from the Superior Court of the State of California, County of San  
 6           Diego, to the United States District Court for the Southern District of California.

7           This Removal is based on 28 U.S.C. §§ 1331, 1441(a) and 1446. This Notice is  
 8           based upon the original jurisdiction of this Court over the parties under 28 U.S.C. §  
 9           1331 and the existence of a federal question herein. In support of its Notice of  
 10          Removal, HireRight states:

11                           **I. PLEADINGS/ SERVICE/ PROCEEDINGS**

12           1. On May 24, 2013, Plaintiff Blanca Watkins ("Plaintiff") filed a  
 13           Complaint in the Superior Court of the State of California, in and for the County of  
 14           San Diego, which was captioned as follows: *BLANCA WATKINS, individually, on*  
 15           *behalf of other similarly situated individuals, and on behalf of the general public, vs.*  
 16           *HIRERIGHT, INC.*, designated as Case No. 37-2013-00050017-CU-OE-CTL  
 17           ("Complaint"). A true and correct copy of the Complaint is attached hereto as Exhibit  
 18           "A."

19           2. Plaintiff's Complaint asserts purported federal causes of action as  
 20           follows: (1) Reporting obsolete information in a consumer report in violation of the  
 21           Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.*; (2) Reporting criminal charges  
 22           dismissed pursuant to California Penal Code section 1203.4 in violation of the Fair  
 23           Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.*; and (3) Failing to provide complete  
 24           file disclosures to consumers in violation of the Fair Credit Reporting Act, 15 U.S.C.  
 25           §§ 1681 *et seq.*

26           3. The date on which Plaintiff served Defendant with a copy of said  
 27           Complaint was May 24, 2013, when HireRight's agent for service of process was  
 28

1 served. A true and correct copy of the Notice of Service of Process is attached hereto  
2 as Exhibit "B."

3 4. HireRight filed and served an answer to Plaintiff's Complaint on June 18,  
4 2013. A true and correct copy of HireRight's Answer is attached hereto as Exhibit  
5 "C."

6 5. The attached exhibits constitute all the papers and processes that have  
7 been filed or received in this action by HireRight. The attachments thereby satisfy the  
8 requirements of 28 U.S.C. § 1446(a).

9 **II. FEDERAL QUESTION JURISDICTION**

10 6. This Court has original jurisdiction over this matter because it arises  
11 under the laws of the United States. 28 U.S.C. § 1331.

12 7. "The district courts shall have original jurisdiction of all actions arising  
13 under the Constitution, laws or treaties of the United States." 28 U.S.C. § 1331. In  
14 deciding whether a suit arises under federal law, the district court must abide by the  
15 "well-pleaded complaint" rule, under which a suit arises under federal law only when  
16 the plaintiff's statement of his own cause of action shows that it is based on federal  
17 law. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987).

18 8. This case plainly arises under federal law. All of the causes of action  
19 included in Plaintiff's Complaint specifically, unambiguously and expressly allege  
20 violations of a federal statute, namely, the Fair Credit Reporting Act. Thus, this Court  
21 has original jurisdiction over this action.

22 9. Because this Court has original jurisdiction over this case, removal of this  
23 case to federal court is proper. 28 U.S.C. § 1441(a).

24 **III. TIMELINESS OF REMOVAL**

25 10. This Notice of Removal is timely in that it has been filed within 30 days  
26 of the service of the Summons and Complaint on May 24, 2013, and within one year  
27 of the filing of the Complaint on May 24, 2013. *See* 28 U.S.C. § 1446(b).

1 **IV. VENUE**


2 11. The action is pending in the Superior Court of California for the County  
3 of San Diego. Venue properly lies in the United States District Court for the Southern  
4 District of California, pursuant to 28 U.S.C. §§ 1391(b) and 1441(a).

5 **V. NOTICE TO PLAINTIFF**

6 12. Contemporaneously with the filing of this Notice of Removal in the  
7 United States District Court for the Southern District of California, written notice of  
8 such filing will be given by the undersigned to Devin H. Fok and Joshua E. Kim,  
9 Plaintiff's counsel of record. In addition, a copy of this Notice of Removal will be  
10 filed with the Clerk of the Court for the Superior Court of the County of San Diego,  
11 California.

12 13. WHEREFORE, Defendant HireRight now prays that the above-entitled  
13 action now pending against Defendant HireRight in the Superior Court of the State of  
14 California, County of San Diego, should be removed therefrom to this Court.

15  
16 Dated: June 19, 2013

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18   
19 ROD M. FLIEGEL  
20 JENNIFER L. MORA  
21 LITTLER MENDELSON, P.C.  
22 Attorneys for Defendant  
23 HIRERIGHT, INC.  
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